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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,730	11/12/2003	Suil Kang	Kang-Leon-2003-10-30	9278

7590 05/02/2005

Mr. Harry I Leon  
924 Bowen Street, N.W.  
Atlanta, GA 30318

EXAMINER
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GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/712,730

**Applicant(s)**

KANG ET AL.

**Examiner**

Brian K. Green

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 3,6,8 and 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,9 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of subgroup IIA (figure 3) for the loop species and subgroup IIIB (figures 7A and 7B) for the protective member species in the reply filed on 2/7/2005 and 4/20/2005 is acknowledged. The traversal is on the ground(s) that any loop element such as shown in figures 1-4 can provide such required function for the present invention. Also, the applicant argues that subgroups IB and IIIB should be combined since they are both openable and closable. This is not found persuasive because the applicant failed to submit evidence or identify such evidence of record showing the species to be obvious variants or clearly admit on the record that the species are obvious variants. With regard to the loop species, after further review, the species shown in figure 4B has been combined with the elected species shown in figure 3.

The requirement is still deemed proper and is therefore made FINAL.

Claims 3,6,8, and 10-15 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on Feb. 7, 2005 and April 20, 2005.

Claims 3 and 11 have been withdrawn since they are directed to the non-elected species shown in figure 6.

### ***Drawings***

The drawings are objected to because in figures 7A and 7B the numerals with lead lines directed to the elements of the drawings do not correspond to the numerals in the specification,

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page 7. For example, numerals 12a, 12b, 72a, 73a, 74a, etc. which appear in figures 7A and 7B do not appear in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because on line 9 the word "invention" is used which is improper. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 17, line 2, the use of the trademark "ZIP-LOCK" in the claim makes it indefinite since the trademark is being used as a limitation to identify or describe a particular material or product which is improper.

The status identifier for claims 3,6,8, and 10-15 should be "(withdrawn)".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Leff (U.S. Patent No. 4,165,890).

Leff shows in figures 1-3 a holder for a card comprising a single loop (8) having two ends and a protective member (1) comprised of two sheets of transparent material, the protective member having a first side (the sheets are not secured on one side in order to allow articles to be slid into the pocket, column 2, lines 30-32) via which a business card can be inserted between the two sheets of transparent material, and the protective member defining a hole (7) so that the protective member may be retained on the loop by sliding one of the two ends of the loop through the hole. In regard to claim 2, Leff disclose in column 2, lines 26-28 that the sheets are formed from plastic. In regard to claims 4 and 7, Leff shows in figures 1 and 3 a closure means (12,13) including a hinge 11.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Leff in view of Chaffin, Jr. (U.S. Patent No. 3,086,268) or Leverdingen (U.S. Patent No. 3,296,730)

Leff discloses the applicant's basic inventive concept except for providing the loop with a catch, a lever, and a groove for facilitating opening and closing of the ring. Chaffin, Jr. shows in figure 1 a ring that includes a catch, a lever, and a groove for facilitating opening and closing of the ring. Leverdingen shows in figures 1 and 2 a ring that includes a catch, a lever, and a groove for facilitating opening and closing of the ring. In view of the teachings of Chaffin, Jr. or Leverdingen it would have been obvious to one in the art to modify Leff by making the closing means in the form of a catch, lever, and groove since this would allow the ring to be held closed in a more secure manner and would allow the ring to be opened in an easier and faster manner and allow the cards to be attached to and removed from the ring in an easier and faster manner.

Claims 9,16,17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leff in view of Schutten (U.S. Patent No. 6,575,297) or D'Ambrosio (U.S. Patent No. 6,347,706).

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Leff discloses the applicant's basic inventive concept except for providing a means for opening up and closing off the pocket. Schutten shows in figure 1 a ZIP-LOCK closure (38) for allowing a pocket to be opened and closed. D'Ambrosio shows in figure 1 a ZIP-LOCK closure (8) for allowing a pocket to be opened and closed. In view of the teachings of Schutten or D'Ambrosio it would have been obvious to one in the art to modify Leff by attaching an opening/closing device to the pocket since this would allow the contents of the pocket to be held in a more secure manner and would allow the contents of the pocket to be protected in a better manner. In regard to claim 17, Schutten and D'Ambrosio teach the use of a ZIP-Lock closure as discussed above. In regard to claim 19, Leff shows in figures 1 and 3 a closure means (12,13) including a hinge 11.

Claims 9,16,18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leff in view of Tourigny (U.S. Patent No. 5,170,917).

Leff discloses the applicant's basic inventive concept except for providing a means for opening up and closing off the pocket. Tourigny shows in figure 1 a closure means (23,24) for allowing a pocket to be opened and closed. In view of the teachings of Tourigny it would have been obvious to one in the art to modify Leff by attaching an opening/closing device to the pocket since this would allow the contents of the pocket to be held in a more secure manner and would allow the contents of the pocket to be protected in a better manner. In regard to claim 18, Tourigny teaches the use of snap fasteners as a closure means, see column 3, lines 31-34. In regard to claim 19, Leff shows in figures 1 and 3 a closure means (12,13) including a hinge 11.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bkg  
April 28, 2005

  
BRIAN K. GREEN  
PRIMARY EXAMINER